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Municipality of Anchorage
Anchorage Police Department
Walt Monegan
Officers Voss and Henikman

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CAROLYN MITCHELL,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ANCHORAGE POLICE DEPARTMENT and)	
the MUNICIPALITY OF ANCHORAGE, a)	
municipal corporation, WALTER MONEGAN,)	
Officer HENIKMAN, and Officer J. VOSS,)	
)	
Defendants.)	Case No. 3:05-cv-00273-JWS
_____)	

NINTH CIRCUIT AUTHORITY
FALSE ARREST AND SECTION 1983 CLAIMS

Defendants pursuant to this court's order at dkt 121 bring the following Ninth Circuit cases to the court's attention concerning the relationship between state law violations and Section 1983 claims alleging Fourth Amendment violations. Although no Ninth Circuit authority appears exactly on point, the cases cited present analogous factual

scenarios and legal issues. The following cases address *Terry* issues, and the interplay between state law grounds for arrest and Section 1983 actions:

- *Beck v. City of Upland*, 527 F.3d 853, 866 (9th Cir. 2008) (finding false arrest and no immunity where officers arrested and imprisoned Plaintiff for violating CA Penal Code § 69 without the plaintiff having made a violent threat against the officers as required under the statute).
- *Bingham v. City of Manhattan Beach*, 341 F.3d 939 (9th Cir. 2003) (in determining false arrest, California law does not allow an officer to take an individual into custody for a misdemeanor driving with an expired license, but finding other valid grounds for arrest).
- *U.S. v. Charley*, 396 F.3d 1074, 1080-82 (9th Cir. 2005) (finding no arrest where police officer allegedly “detained” suspect by placing her in his police vehicle and escorting her back to her house.) *See* detailed analysis of investigatory stop/arrest continuum).

Respectfully submitted this 27th day of June, 2008.

JAMES N. REEVES
Municipal Attorney

By: s/ Elizabeth D. Friedman
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The undersigned hereby certifies that on 06/27/08 a true and correct copy of the *Ninth Circuit Authority False Arrest and Section 1983 Claims* was served on:

Isaac D. Zorea
Moshe C. Zorea

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell
Cathi Russell, Legal Secretary
Municipal Attorney's Office